

REMARKS

Applicant gratefully acknowledges the courtesy of the Examiner in granting an interview to Applicant's representative Samuel Katz, registration number 37,366, on 27 October 2008. In the interview, a proposed amendment to an independent claim was discussed in view of US 2002/0144262 of Plotnick, et al. Agreement was not reached.

Applicant has carefully studied the outstanding Official Action. The present amendment is intended to be fully responsive to all points of rejection and is believed to place the application in condition for allowance. Favorable reconsideration and allowance of the present application are hereby respectfully requested.

Claims 30 - 68 stand rejected under 35 USC 102(b) as being unpatentable over US 2002/0144262 of Plotnick, et al.

Plotnick describes a system for presenting viewers with an alternative brief version of a recorded advertisement when they choose to fast-forward through or skip (or any other trick play event) the recorded advertisement.

The alternative advertisement of Plotnick is an advertisement generated from I-frames which replace the original I-frames in the original video stream [see Plotnick, from paragraph 209 - 218, inter-alia].

Furthermore, Plotnick describes: "As previously mentioned, one potentially powerful way to advertise and direct advertisements on PVRs is through the substitution of (or manipulation of) traditional video advertisements (i.e., 30 second ad that appears in broadcast programming, ads that are pre-pended or post-pended in VoD programming). The PVR can substitute ads during live programming (play or recording of) or when pre-recorded programming is being played back" (see paragraph 128).

Plotnick describes in even greater detail a mechanism by which the PVR receives, stores, selects, and retrieves an appropriate ad, see paragraphs 154 - 163. Paragraph 163 is especially enlightening in this context: "When an ad insertion opportunity arises, **the set-top box determines** whether the current session profile matches any of the historical profiles in the profile database. If a

match exists, the match will be used for selecting an appropriate advertisement. Otherwise, **the set-top box uses the current session profile to select an appropriate advertisement.** After presenting the ad to the viewer, the system updates the ad metadata and transmits an insertion report to the head-end.”

In the system of Plotnick, the advertisement is substituted or manipulated by the set top box/PVR.

The present invention, by contrast, is a method and system for embedding a message in a key frame, using “using the standard video production process. Depending on the nature of the content, the authoring process may involve pure computer generated images, or, alternatively, post production manipulation of real video footage.” (Specification in PCT format, pg. 18, lines 24 - 26). Furthermore, the I-frames comprising the embedded message, created as described above, are the same I-frames which are played out during trick mode:

“When the exemplary stream of Fig. 3 is played out using key frame trick mode, only the I-frames 210 will preferably be selected for play out. In Fig. 4A, only the I-frames 210 of Fig. 3 appear.” (Specification in PCT format, pg. 16, lines 29 - 31). The I-frames 210 with the embedded message 270 of Fig. 3 are the *same* I-frames 210 with the *same* embedded message 270 played out in Fig. 4A.

Thus, to summarize, Plotnick, by using different I-frames in the ultimately displayed advertisement, teaches away from the method and system disclosed in the present invention, as claimed herein.

In order to make the distinction between the present invention, as claimed herein, and Plotnick, particularly clear, claims 30 - 68 have been cancelled.

New claim 69 corresponds to cancelled claim 30. New claim 69 is supported, in addition to claim 30, inter-alia, by pages 18 - 20 of the specification in PCT format.

New claims 70 - 72 correspond, respectively, to cancelled claims 31 - 33.

New claims 73 - 76 correspond, respectively, to cancelled claims 36 - 39.

New claim 77 corresponds to cancelled claims 40 and 66.

New claims 78 - 80 correspond, respectively, to cancelled claims 41
- 43.

New claim 81 corresponds to cancelled claim 44. New claim 81 is supported, in addition to claim 44, inter-alia, by pages 18 - 20 of the specification in PCT format.

New claims 82 - 84 correspond, respectively, to cancelled claims 45
- 47.

New claim 85 corresponds to cancelled claims 48 and 67.

New claims 86 - 88 correspond, respectively, to cancelled claims 49
- 51.

New claim 89 is an apparatus claim corresponding to new claim 69.

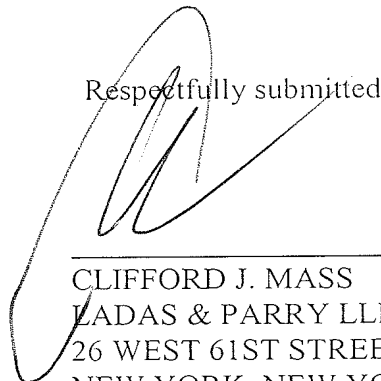
New claim 90 is an apparatus claim in means-plus-function form corresponding to new claim 69.

New claim 91 is an apparatus claim corresponding to new claim 81.

New claim 92 is an apparatus claim in means-plus-function form corresponding to new claim 81.

In view of the foregoing remarks, it is respectfully submitted that the present application is now in condition for allowance. Favorable reconsideration and allowance of the present application are respectfully requested.

Respectfully submitted,



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